

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

**Report on Offender Under Supervision
and/or
Petition for Warrant or Summons
with Attached Request for
Court Action Direction Detailing Probable Cause**

Offender: MOISE, GOLDEN

Docket Number: 07-CR-364(SCR)

Sentencing Judge: HONORABLE STEPHEN C. ROBINSON, U.S. DISTRICT JUDGE

Date of Original Sentence: APRIL 30, 2004

Original Offense: CONSPIRACY TO IMPORT MARIJUANA AND ECSTASY FROM
CANADA TO THE UNITED STATES

Original Sentence: THIRTY-SEVEN MONTHS IMPRISONMENT, THREE YEARS
SUPERVISED RELEASE, \$100.00 SPECIAL ASSESSMENT.

Type of Supervision: Supervised Release Date Supervision Commenced: January 10, 2007

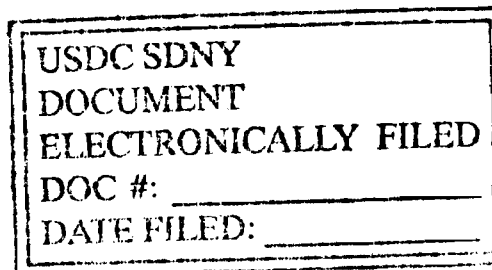
NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

Nature of Noncompliance

**ON OR BEFORE DECEMBER 8, 2007, THE RELEASEE USED A CONTROLLED
SUBSTANCE, TO WIT, AN UNKNOWN AMOUNT OF COCAINE. MANDATED
CONDITION, GRADE C VIOLATION.**

**ON OR ABOUT DECEMBER 8, 2007 THE RELEASEE ILLEGALLY POSSESSED A
CONTROLLED SUBSTANCE, TO WIT, AN UNKNOWN AMOUNT OF COCAINE.
MANDATED CONDITION, MANDATORY REVOCATION, GRADE C VIOLATION.**



Title 18 U.S.C. 3565 (b) and 3583(g) have been amended by way of Public Law 107-273, Section 2103. Effective November 2, 2002, testing positive for illegal substances more than three times over the course of one year requires mandatory revocation of the supervision term. The amendment leaves undisturbed the provisions of 18 U.S.C. §§ 3563(e) and 3583(d) that allow the court to consider “whether the availability of appropriate substance abuse treatment programs, or an individual’s current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of sections 3565(b) and 3583(g) when considering any action against a defendant who fails a drug test.” This appears to allow the court to consider treatment in lieu of revocation.

U.S. PROBATION OFFICER ACTION

Moise has admitted to using cocaine on before December 8, 2007. As a result of his cocaine use, we have again increased urinalysis testing and have placed Moise in outpatient substance abuse treatment at TRI Center in Manhattan. We have also warned the offender that this type of behavior will not be tolerated and may lead to violation action.

SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

This is the second instance of illegal drug use by Moise while on supervision. On May 8, 2007, Moise submitted a urinalysis test that yielded a positive result for cocaine. Your Honor was notified of same in a report dated May 31, 2007 and Moise was placed in outpatient substance abuse treatment at Daytop in Manhattan. He generally attended the previous program at Daytop and was eventually discharged. Despite his recent drug use, Moise has reported as directed and provided all requested documentation to the Probation Officer. He maintains a stable residence with his family in Rockland County and is gainfully employed. Furthermore, there has been no new arrests.

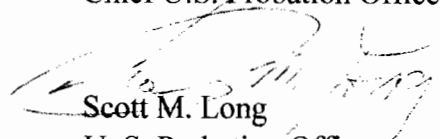
RECOMMENDATION AND JUSTIFICATION

We have advised Moise that any further drug use will result in the submission of a violation petition to the Court. Noting that he is generally in compliance with the other conditions of supervision, we are respectfully recommending that he be continued on supervision, with increased urinalysis testing and attendance in an outpatient substance abuse treatment program. In event he continues to use illicit substances or fails to attend treatment, we will immediately submit a violation petition to the Court. Finally, we apologize to the Court for the tardiness of this report.

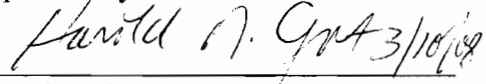
I declare under penalty of perjury that the foregoing is true and correct. (Supporting documentation is attached)

Respectfully submitted,

Chris J. Stanton
Chief U.S. Probation Officer


Scott M. Long
U. S. Probation Officer
(845)344-2789, ext. 6

Approved By:


Harold N. Grant Date
Supervising U. S. Probation Officer



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

Judicial Response

☒ Court approves U. S. Probation Officer's Recommendation

or

THE COURT ORDERS:

☐ The Issuance of a Summons

The Offender is directed to appear as follows:

Date: _____

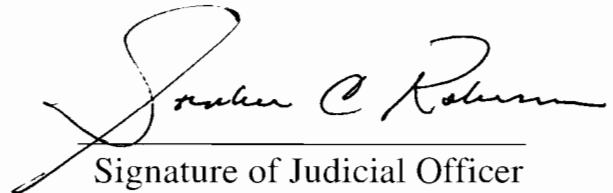
Time: _____

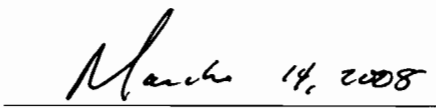
Place: _____

☐ The Issuance of a Warrant

☐ Submit a Request for Modifying the Condition or Term of Supervision

☐ Other


Signature of Judicial Officer


Date